

RECORD OF PROCEEDINGS  
COLORADO STATE BOARD OF VETERINARY MEDICINE

**PUBLIC MINUTES  
February 9, 2012**

Notice of this meeting was published at [www.dora.state.co.us/veterinarians/publicnotices.htm](http://www.dora.state.co.us/veterinarians/publicnotices.htm) at least 7 days in advance of the meeting date.

**I. CONVENE**

The Open Session of the meeting for the State Board of Veterinary Medicine was convened at One Civic Center Plaza, 1560 Broadway, Conference Room 1250 C, Denver, Colorado 80202, at 8:41 a.m. by Richard Leone, DVM, President.

**Board Members Present**

Richard Leone, DVM, President  
Joni Edwards, DVM, Vice-President  
Kim Stone, DVM, Secretary  
Susie Frederick, RN, Public Member  
Kenneth Johnson, DVM  
Kristin Woestehoff, DVM  
Stacy Worthington, Public Member

**Staff**

Maulid Miskell, Program Director  
Leanne Clasen, Program Manager  
Paul S. Wilson, Program Specialist  
Lauri Rose, Office of Expedited Settlement  
Russell Klein, First Assistant Attorney General  
Catherine Shea, Assistant Attorney General

**II. APPROVAL OF MINUTES**

A motion was made, seconded, and carried to approve as amended the June 15, 2011 meeting minutes.

A motion was made, seconded, and carried to approve the August 31, 2011 meeting minutes.

A motion was made, seconded, and carried to approve the September 1, 2011 meeting minutes.

A motion was made, seconded, and carried to approve as amended the September 27, 2011 meeting minutes.

A motion was made, seconded, and carried to approve as amended the November 3, 2011 meeting minutes.

A motion was made, seconded, and carried to approve the November 3, 2011 meeting minutes of the Decision-making Board.

A motion was made, seconded, and carried to approve the December 15, 2011 meeting minutes.

**III. REPORTS**

**• Report from the Program Director, Maulid Miskell**

Mr. Miskell introduced newly appointed Board members, Susie Frederick, RN and Kenneth Johnson, DVM. He also introduced Russell Klein, First Assistant Attorney General, and Catherine Shea, Assistant Attorney General, who is replacing Rita Quinn as Board Counsel. He informed the Board that he is still working to replace Abigail Gaskins as Compliance Monitor and that Leanne Clasen will handle these duties in the

interim. He advised that minutes are now up to date and that he anticipated that Board actions should be as well by the next scheduled Board meeting.

Mr. Miskell reminded those in attendance that there is to be no discussion or input from the public during deliberations of cases, and reminded the Board Members of the confidential nature of letters of concern.

He stated that a special meeting of the Board will be scheduled for 9:30 am on April 13, 2012 for a review of all Policies of the Board, including a consideration of animal dentistry issues, among other matters.

• **Report from the Board President, Richard Leone, DVM**

Dr. Leone welcomed the public and expanded upon Mr. Miskell's comments regarding public participation during deliberations of cases as well as the reminder to the Board Members regarding the confidential nature of letters of concern.

**IV. CONTINUING EDUCATION**

• **Continuing Education – Kim Stone, DVM, Board Secretary**

The bi-monthly requests were reviewed in advance by Dr. Stone. A motion was made, seconded, and carried to approve all continuing education requests as submitted with the exception of the following request:

A motion was made, seconded, and carried to approve request # 5 for 7.5 hours.

**V. OPEN FORUM**

Ralph Johnson, Executive Director, Colorado Veterinary Medical Association, informed the Board that the CVMA will be holding its Spring "Big Ideas Forum" on Saturday, April 6 and 7, 2012 in Golden, CO. The theme will be related to a 10-year trend of declining preventive healthcare visits: "What's the Future of Preventive Healthcare for Pets?"

He expressed the CVMA's interest in proposed amendments to the Rules of the Physical Therapy Board stipulating that a physical therapist assistant may not perform physical therapy on animals, even if acting under the supervision of a licensed physical therapist. He requested that the Board consider clarifying its position regarding continuing education approval requests for veterinary homeopathy. Program Director Mo Miskell replied that this issue would be addressed at the special meeting to consider Board Policies on April 13, 2012.

**VI. NEW BUSINESS**

• **Memorandum regarding Annual Designation of Meeting Notices**

A motion was made, seconded, and carried to approve the notice.

• **Memorandum regarding AAVSB Newsletter**

Board noted.

• **Memorandum regarding AASVB Staff Updates**

Board noted.

• **Memorandum regarding AASVB Nominations**

A motion was made, seconded, and carried to nominate former Board President Dr. Michael Gotchey as a Director to the Board of Directors of the AAVSB.

A motion was made, seconded, and carried to nominate Dr. Joni Edwards as a Member to the Nominating Committee of the AASVB.

- **Memorandum regarding CVMA Voice articles**

Board noted.

**VII. LICENSING**

- **Memorandum regarding newly licensed Veterinarians. (Consent Item)**

A motion was made, seconded, and carried to approve all newly licensed Veterinarians either by exam or endorsement.

**VIII. INITIAL REVIEW**

AGENDA ITEM # 1 James Custis DVM # AV 126 Case # 2012-002125

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

The Board requested that a letter of guidance be sent to the administrators of the Colorado State University Veterinary Teaching Hospital advising them of the new statutory provisions requiring a designated responsible veterinarian in compliance with section 12-64-123, C.R.S.

AGENDA ITEM # 2 Christine Murphy, DVM # 6196 Case # 2012-002138

After careful consideration of the information provided, a motion was made, seconded, and carried to refer the case to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

AGENDA ITEM # 3 Stacy McVicker, DVM # 7877 Case # 2012-002145

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM # 4 Erik Anderson, DVM # 8233 Case # 2012-002132

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM # 5 Melinda Story, DVM # 6913 Case # 2012-002173

After careful consideration of the information provided, a motion was made, seconded, and carried to table the case pending receipt of additional information.

AGENDA ITEM # 6 John Davis, DVM # 3490 Case # 2012-001155

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit. A motion was then made, seconded, and carried to void the case number because the Board lacks jurisdiction over the matter.

AGENDA ITEM # 7 Thad Respet, DVM # 9160 Case # 2012-002149

After careful consideration of the information provided, a motion was made, seconded, and carried to refer the case to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to table the case pending receipt of additional information.

AGENDA ITEM # 8 Donald Westfall, DVM # 6592 Case # 2012-001547

Dr. Johnson recused himself from the discussion and the vote on this case, and exited the room. After careful consideration of the information provided, a motion was made,

seconded, and carried to refer the case to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM # 9    Walter Kurth, DVM # 2245 Case # 2012-002143

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

IX. TABLED

AGENDA ITEM #1     Seth Rothstein, DVM # 7241                      Case # 2012-000861

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

**X. OFFICE OF INVESTIGATIONS**

AGENDA ITEM # 1 Anna Norman, DVM # 5608 Case # 2012-000328

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

[illegible]

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM # 3 Michael Gotchey, DVM # 4228 Case # 2012-000019

After discussion with legal counsel, the Board invoked the rule of necessity in order to deliberate on this matter. After careful consideration of the information provided, a motion was made, seconded, and carried to refer the case to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

## XI. STIPULATIONS

## • Open Stipulations Report

Board noted.

## • Peer Assistance Compliance Report

Board noted.

## XII. ADJOURNMENT FROM OPEN SESSION

Richard Leone, DVM, Board President, called for a motion on February 9, 2012 at 2:05 p.m., that the State Board of Veterinary Medicine enter into Executive Session for the purpose of discussing with counsel disputes that are the subject of pending or imminent court action, discussing specific claims or grievances, and receiving legal advice on specific legal questions, pursuant to Colorado Revised Statutes section 24-6-402(3)(a)(II), including:

- The legal basis for potential disciplinary action, and, where warranted, recommended settlement guidance for matters discussed in open session today and referred to executive session, specifically agenda item numbers:

- Agenda item 2, Case 2012-002138, Christine Murphy
  - Agenda item 7, Case 2012-002149, Thad Respet
  - Agenda item 8, Case 2012-001547, Donald Westfall
  - Office of Investigations Agenda item 1, Case 2012-000328, Anna Norman
  - Office of Investigations Agenda item 3, Case 2012-000019, Michael Gotchey
- ☐ Counteroffers, settlement issues and other legal questions pertaining to cases with the Attorney General's Office, specifically:
- Case No. 2011-004059, Peggy Cruder
  - Case No. 2012-000125, Timothy Holloman
  - Case No. 2011-001968, Douglas Ikeler
  - Case Nos. 2011-000295 and 2011-001847, Merrilee Laas
  - Case No. 2011-003589, Linda Yates

**XIII. ADJOURNMENT FROM EXECUTIVE SESSION**

Executive Session of the meeting for the State Board of Veterinary Medicine adjourned at 3:12 p.m. The Board then reconvened in Open Session at 3:12 p.m.

**XIV. ADJOURNMENT FROM OPEN SESSION**

The final meeting adjournment was at 3:20 p.m. The Board will reconvene on Thursday, April 12, 2012, at One Civic Center Plaza, Conference Room 110 A, Denver, CO 80202, at approximately 8:30 a.m.

**Attestation:**

Pursuant to § 24-6-402(2)(d.5)(I)(B), C.R.S., as Board President, I attest that the Executive Session of the State Board of Veterinary Medicine meeting held on February 9, 2012, was confined to the topics authorized for discussion pursuant to §§ 24-6-402(3)(a)(II), (III), and (IV), C.R.S.

Approved by signed Richard Leone, DVM  
*Board President*

April 12, 2012  
*Date*